

CHAPTER 5
CUSTODY AND SECURITY OPERATIONS

ARTICLE 7 —INMATE DEATHS, SERIOUS INJURY OR ILLNESS
NOTIFICATION

Revised September 8, 2008

51070.1 Policy

The Department shall treat the death, serious injury or serious illness of an inmate or parolee with dignity and respect as is regularly accorded persons who are not incarcerated or on parole. The procedures to be followed after death, serious injury or illness shall comply with the requirements of all applicable laws.

51070.2 Purpose

The purpose of this section is to outline the duties of all staff involved when a death, serious injury or illness of an inmate/parolee occurs. For purposes of this section, parolee is defined as: a parolee currently incarcerated in a CDCR facility pending a revocation action by the Board of Parole Hearings, or in a CDCR facility based substance abuse treatment program.

51070.3 Possible Death

An employee discovering a possible inmate/parolee death shall immediately summon medical assistance. Pending arrival of medical assistance, the employee shall make every effort to preserve life.

This may include first-aid, CPR, and other life-saving measures for which the employee is trained. Life support measures shall be continued until the medical personnel arrive.

Medical personnel will continue life saving efforts unless one or more of the following signs of death are present. If one or more sign is present, the physician will determine if patient is deceased.

- Rigor mortis/dependent lividity
- Tissue decomposition
- Decapitation
- Incineration

Once started, CPR shall continue until:

- Resuscitation efforts are transferred to a rescuer of equal or higher level of training.
- The patient is determined to be deceased by an MD.
- Effective spontaneous circulation and ventilation have been restored.
- Emergency responders are unable to continue because of exhaustion or safety and security of the rescuer or others is jeopardized.
- A written valid Do Not Resuscitate order is presented.

If a medical officer is not present when the inmate dies, the medical personnel will, in addition to the above:

- Notify the Chief Medical Officer (CMO), staff medical officer, or the medical officer-of-the-day (MOD) as appropriate.
- Notify the supervising nurse on duty, or on call.
- Notify the senior custody officer on duty.

A physician shall examine the patient at the earliest possible moment to determine if the patient has expired.

51070.4 Pronouncement of Death

Only a doctor of medicine shall pronounce a person dead.

51070.5 Responsibility of Warden/Regional Parole Administrator (RPA)

The Warden/RPA or their designees shall:

- Effect all medical and legal requirements as soon as practicable.
- Ensure that all necessary requirements for care and maintenance of remains and artificial appliances following death are accomplished in accordance with instructions dictated by the appropriate coroner's office and this manual.

51070.6 Chief Medical Officer

The CMO or MOD on duty shall:

- Notify the watch commander or senior custody officer in the area of occurrence that the patient/victim has expired stating the time of death.
- Notify the coroner of the death and request their inquiry or release of the body.
- Upon obtaining the coroner's permission, cause the body to be covered and removed to the morgue or a private room in the treatment facility.
- Notify the Warden or officer-of-the-day (AOD), giving all significant points of administrative and medical/legal interest.
- Prepare a written summary of circumstances surrounding the death on CDCR Form 7229-A, Initial Inmate Death Report, or CDCR Form 7229-B, Initial Suicide Report, providing tactful wording of information that can be used in notifying the next of kin. Any last messages the deceased wished to be transmitted must be quoted.

- An original and five copies shall be prepared and routed to the Warden.
- Notify all required agencies of any communicable diseases discovered during examination.
- In the event the deceased inmate had a diagnosed communicable disease, the contract funeral director charged with the removal of the body from the facility shall be notified of such disease prior to the release of the body.
- Close out all medical records and transmit them to the records office for inclusion in the decedent's C-File.

51070.6.1 Death Certificate

The CMO or physician examining the body and pronouncing death will specifically determine whether he/she can sign the death certificate or must refer it to the coroner. H&SC 10259 states the coroner will be notified and will sign the death certificate if death occurs:

- Without medical attendance.
- During the continued absence of the attending physician (vacation, etc.).
- Where the attending physician is unable to state the cause of death.
- Where suicide is suspected.
- Following an injury or accident.
- Under circumstances as to afford a reasonable suspicion that the death was caused by the criminal act of another.

The physician shall complete and sign their section of the death certificate within 15 hours of the death. An original and five copies will be prepared. The original will be forwarded to the undertaker for completion and the copies will be routed to the Warden. Pursuant to H&SC 10204, the coroner shall complete the certification of death within three days after examination of the body.

51070.7 Responsibility of Senior Custody Staff Member

Upon notification of a possible death, the senior custody staff or watch commander shall assure the following steps are accomplished:

- Make or cause to be made the decision for the need to secure the death/incident scene. Any evidence and areas surrounding the death/incident scene shall not be disturbed until an investigating officer is assigned and on the scene.
- Initiate investigation or other custody measures as indicated.
- Order all pertinent materials gathered, i.e., personal property, visiting cards, mail card, etc.

51070.7.1 Identify Decedent

The senior custody staff member shall arrange for identification of the deceased as soon as practical.

Fingerprints

- Arrange for the taking of a full set of the deceased's fingerprints on CDC Form 138, Fingerprint Card, signed by the employee taking the prints.
- Required for legal identification of deceased.

- If fingerprinting is impossible, positive identification must be made by other means (photograph, scars, etc.).

Other

- Identification by means other than fingerprinting requires a notarized affidavit.
- Fingerprint cards or affidavit shall be forwarded to the C&PR.

Exception to Fingerprinting

In circumstances involving suspected homicide, fingerprints shall not be taken. Each hand shall be wrapped in a paper container by the medical representative or the institutional investigator. Fingerprinting shall be completed by the coroner/designee.

- Notify the chaplain of the death giving the inmate's religion if known.
- Notify the Warden or AOD and the CMO or MOD.

51070.8 Circumstance of Death Report and Distribution

The highest ranking custodial officer or designee shall prepare and deliver within four hours of death a brief notice providing the decedent's name, number, time and place of death, and other pertinent facts to:

- The Warden/RPA.
- Chief Deputy Warden.
- CMO.
- Associate Warden, Business Services.
- PIO/AA.
- CCRM.
- Correctional Captain.
- Parole agent or reentry facility administrator.
- Chaplain of the deceased's faith.

51070.9 Notification of Appropriate Agencies

Two-Hour Notification

Any death of an inmate in any facility of the Department, including contract facilities, shall be reported within two hours of the death to the county sheriff and the coroner, or their designee, of the county in which the facility is located, and if the facility is located within the city limits of an incorporated city, the chief of police in that city, or their designated representative.

Additional Notifications

The death shall also be initially reported to the DA, or designee, of the county in which the facility is located, to the Director, Division of Adult Institutions, and to the Director, Division of Correctional Health Care Services, as soon as those personnel are on duty, but within 24 hours of the death.

Initial Report of Death

The initial report of the death may be transmitted by telephone, direct contact, or written notification, and shall outline all pertinent facts known at the time the report is made and all persons to contact, in addition to any other information the reporting person or officer deems pertinent.

- The Warden, RPA, or designee, shall notify law enforcement personnel.

- The facility CMO shall notify the coroner.

Written Report, Within Eight Hours of Death

Within eight hours of the death of an inmate in any facility of the Department, including contract facilities, a written report CDCR Form 7229-A or 7229-B shall be submitted by the Warden or RPA to those entities noted above. This written report shall include all circumstances and details of the death known at the time of report preparation, and shall include the names of all involved persons, and all persons with knowledge of the circumstances surrounding the death. A copy of the CDCR Form 7229-A or 7229-B shall be retained in the office of the CMO and the investigative office until conclusion of any investigation; one copy shall be placed in the deceased inmate's C-File. In community based correctional facilities, the RPA shall retain one copy of the report until conclusion of any investigation.

Attorney General Notification

The following reports and records shall be delivered to the AG's Office, Bureau of Criminal Statistics, Statistical Data Center:

- Complete incident report or report of death as applicable.
- Completed copy of death certificate.
- Fingerprint card (two sets).
- Coroner's report (if applicable).

One copy of each of the preceding documents shall be forwarded to the Chief Deputy Secretary of DJJ if the deceased is a youth offender of that agency.

51070.10 Notification of Next-of-Kin

Facility classification staff in Reception Centers shall ensure that each in-coming inmate (new admissions and parole violators) completes a CDCR Form 127 Notification in Case of Inmate Death, Serious Injury, or Serious Illness. This form shall NOT serve as a will. The CDCR Form 127 shall be placed at the top of the miscellaneous section of the inmate's C-file and shall at no time be separated from the file. Facility classification staff at all CDCR facilities shall ensure that the CDCR 127 is updated:

- Annually as part of the classification review process.
- Upon recommendation of transfer by a classification committee.
- Whenever an inmate advises his or her correctional counselor of a desire to change the information contained in the form.

In the event of a death, serious injury or serious illness, the Warden or designee at the level of Correctional Lieutenant or Correctional Counselor II or above shall use all reasonable means to contact the person(s) identified in the CDCR Form 127 of the inmate's death, serious illness or serious injury. The senior custodial officer shall review the inmate's C-File and using the CDCR Form 127; notify the next-of-kin as humanely as possible.

- Telephone notification of next-of-kin should be used whenever possible. Custody staff shall not attempt to provide medical information regarding the inmate's

health or cause of death but shall refer the next-of-kin to the facility CMO or physician designee or to the County Coroner's office.

- In all cases of death, a tactfully worded letter, over the name of the Warden, shall be sent to the next-of-kin.

The following format may be used in the event of a death:

(Name of kin)

"I regret to inform you of the death of your (relationship), name, and date. Remains have been released to (name of contracting mortuary, address and phone number of mortuary). They are awaiting further instructions for the final disposition of your (relationship) without expense to the state. If not claimed within 48 hours, disposition must be made as provided by law. Please notify (contract mortuary) whether you will claim the body. You may contact the County Coroner's Office at (Area Code) XXX-XXXX if you have questions regarding the cause of death of your (relationship). We extend our sympathy in your loss."

51070.11 Removal of the Body

The highest ranking custodial officer, or their designee, shall determine if the coroner has placed a hold on the body. If not, the custodial officer shall request the contract mortuary to pick up the body. The custodial officer shall obtain a body receipt, CDC Form 123, from the undertaker at the time the remains leave the facility. This form shall be completed in quintuplicate and distributed as follows:

- Original to the watch commander.
- One copy to control or the facility head.
- Two copies to the mortician (who leaves one copy at the gate).
- One copy to the CCRM.

51070.12 Responsibility of CCRM

The CCRM shall prepare a report supplying the information necessary to complete items 1A through 21D of the Certificate of Death, to the health services treatment facility (medical department).

51070.12.1 Notifications Pursuant to 11155(B) PC

The CCRM shall notify the persons or agencies who have requested such notification pursuant to PC 11155(b).

51070.12.2 Notification of Death of Foreign Nationals

Pursuant to Article 37 of the Vienna Convention, written notification within 72 hours of the official notice of death shall be made to the appropriate consulate post in the event of the death of a foreign, national inmate. The notification shall include the inmate's name, CDC identification number, date and time of death, and the attending physician's name. Consulate offices are located in major cities throughout California; and, addresses and telephone numbers can be found in the local telephone directory under the name of the country of origin.

51070.12.3 Detainers Disposition

Any detainers pertaining to the deceased shall be returned to the issuing agency with a notice of the inmate's death.

51070.13 Responsibility of Correctional Counselor

Upon receiving instructions and information from their supervisor concerning the death of an inmate, the Correctional Counselor shall carefully examine all available records, mail, visiting records, and personal property and prepare a report to the Warden or their designee consisting of:

- A list of names, relationship, and addresses of relatives, friends, organizations, or individuals who might be interested in the final disposition of the deceased without cost to the state.
- Answers to the below listed questions.
 - Is the decedent a member of a fraternal order or lodge having burial insurance or death benefits?
 - Is the decedent entitled to veteran's or social security benefits?
 - Is the decedent receiving a pension?
 - Does the decedent have insurance payable at death?
 - Does the decedent have resources or income not held in trust at the institution?

If the deceased inmate was an undocumented alien, notify the local office of Immigration and Customs Enforcement and the appropriate consulate post as referenced in DOM 51070.12.2. Notify victim(s) if there is a written request by the victim(s) in the inmate's C-File that the victim(s) be notified of any change of the inmate's status per PC 3058.6, 3058.8, and 3058.9.

51070.14 Responsibility of Chaplain

Upon notification of a death, the chaplain of the faith professed by the inmate will perform such duties as required:

- Attend to any special religious requirements
- Consultation with family members as required or requested

51070.15 Responsibility of Property Officer for Deceased's Property

The property officer shall:

- Receive, inventory, and store all personal property of the deceased.
- Prepare a complete inventory report, sign and submit five copies to the watch commander to be distributed as follows:
 - Warden/RPA.
 - Chief Deputy Warden.
 - Associate Warden, Business Services.
 - Accounting officer.
 - Correctional Captain.
- Secure all personal property as evidence if directed by watch commander or investigative unit.
- Make personal property available to employees authorized to examine it.

- All personal property of the deceased at the scene of the death may be released to the coroner upon request for the purpose of assisting their investigation.

Upon completion of all investigations and release of property as evidence, all personal property of the deceased will be released to the Associate Warden, Business Services, for disposition.

51070.16 Responsibility of Associate Warden Business Services

The Associate Warden, Business Services, has a variety of duties pertaining to the death of an inmate that include, but are not limited to:

- Assure that the institution has a valid service agreement with local mortuaries to provide for such services as embalming, cremation, caskets, transportation, burial, and other related services in connection with the disposition of the deceased inmate.
- Assure that a process has been established for disposition of personal property, funds, and any other resources held in trust for the deceased.
- Provide burial clothing and make special arrangement for the use of state materials or services when necessary.

Deceased's Funds

When an institution holds U.S. Savings Bonds or other securities belonging to a deceased inmate and the institution is entitled to recover costs incurred in connection with the death of an inmate (PC 5061), bonds or securities not exceeding the actual expenses and charges should be liquidated through the office of the public administrator of the county. Excess monies over actual expenses shall be credited to the deceased inmate's trust account.

51070.17 Unclaimed Dead Body

After all reasonable efforts have been exhausted to locate a claimant for the deceased and there is no one to direct disposition, the remains shall be considered an unclaimed dead body. If the body is not claimed for burial, it shall be cremated, or buried by a licensed mortuary/undertaker in accordance with a previously approved service contract. In the absence of any known relative, or if not claimed by relatives, the Warden may use his/her judgment in offering the body to friends of the deceased or interested private agencies for interment at private expense or with the deceased inmate's own funds. The coroner or department may dispose of the unclaimed body pursuant to applicable laws.

51070.18 Death Occurring Other than in an Institution

The death of an inmate may occur in places other than an institution. This may include, but is not limited to:

- Reentry facilities.
- While under Parole supervision.
- Camps.
- In-transit between CDCR facilities.
- Off reservation work crews.
- Community hospital.

51070.18.1 Parole

Upon the death of a parolee, the Parole Agent of record shall:

- Obtain a certified copy of the death certificate from the coroner or county clerk.
- Prepare a closing summary, CDCR Form 1502, Activity Report.
- Forward the closing summary and the death certificate to the regional records officer and the Division of Correctional Health Care Services.

In the event the death occurred in another state and the death certificate is not available, the Parole Agent shall obtain:

- A letter from a Parole Agent or law enforcement officer from the other jurisdiction verifying that the death certificate or autopsy report has been reviewed. This will serve as verification of death.

51070.18.2 Reentry Facility

In the event of the death of an inmate at a reentry facility the administrator will follow the guidelines set forth in DOM 83080.7.

51070.18.3 Camps and in Transit

If a death occurs in a camp, while fighting fires, or while in transit between institutions, the Department's officer in charge will take the following actions:

- Proper custodial support will be summoned as appropriate to the situation.
- The nearest available doctor will be called to pronounce death.
- The local coroner must be notified and their instructions followed.
- The Warden of the parent institution shall be notified by telephone or email and further instructions requested.
- Pending receipt of instructions, the body shall be turned over to a licensed mortuary/undertaker in the community where the death occurred.
- Notification of appropriate authorities as outlined in DOM 51070.9 shall be directed by the Warden or designee.
- A complete final report containing circumstances, investigations, arrangements, etc., will be submitted to the Warden of the parent institution without delay.

51070.19 Revisions

The Director, DAI, or designee shall ensure that the content of this Article is accurate and current.

51070.20 References

CCR, § 3357. PC §§ 3058.8, 5021, 5022 5061 and 11155(b). H&SC §§ 7200, 10203, and 10250. GC §§ 12525 and 27491.